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**SUBSTITUTE SENATE BILL 6670**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Fairley and Kohl-Welles)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to beneficiaries in wrongful death actions;  
2 amending RCW 4.20.020 and 74.34.210; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature intends to respond to the  
5 case of *Schumacher v. Williams* (45365-3-1 August 6, 2001) and clarify  
6 that the right of a person to recover for the wrongful death of a  
7 family member is not contingent upon the showing that the survivor was  
8 financially dependent upon the decedent.

9 **Sec. 2.** RCW 4.20.020 and 1985 c 139 s 1 are each amended to read  
10 as follows:

11 Every such action shall be for the benefit of the wife, husband,  
12 child or children, including stepchildren, of the person whose death  
13 shall have been so caused. Except as otherwise provided in RCW  
14 74.34.210, if there be no wife or husband or such child or children,  
15 such action may be maintained for the benefit of the parents, sisters,  
16 or brothers, who may be dependent upon the deceased person for support,  
17 and who are resident within the United States at the time of his or her  
18 death.

1 In every such action the jury may give such damages as, under all  
2 circumstances of the case, may to them seem just.

3 **Sec. 3.** RCW 74.34.210 and 1995 1st sp.s. c 18 s 86 are each  
4 amended to read as follows:

5 A petition for an order for protection or an action for damages  
6 under this chapter may be brought by the plaintiff, or where necessary,  
7 by his or her family members and/or guardian or legal fiduciary, or as  
8 otherwise provided under this chapter. The death of the plaintiff  
9 shall not deprive the court of jurisdiction over a petition or claim  
10 brought under this chapter. Upon petition, after the death of the  
11 vulnerable person, the right to initiate or maintain the action shall  
12 be transferred to the executor or administrator of the deceased, for  
13 the benefit of the surviving spouse, child or children, or other heirs  
14 set forth in chapter 4.20 RCW, except that a parent, sister, or brother  
15 of the deceased person need not be dependent upon the deceased person  
16 for support in order to maintain an action under this section.

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